

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE related to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.41.004 Applicability

* * *

B. Exemptions. The following are exempt from design review:

1. Development located in special review districts established by Chapter 23.66;
2. Development in Landmark districts established by Title 25(~~(, Environmental Protection and Historic Preservation)~~);
3. Development within the historic character area of the Downtown Harborfront 1 zone(~~(,)~~) ;
4. Development that is subject to shoreline design review pursuant to Chapter 23.60A; (~~and~~)
5. New light rail transit facilities that are subject to review by the Seattle Design Commission(~~(,)~~) ;
6. City facilities that are subject to review by the Seattle Design Commission(~~(,)~~) ;
7. Development within single-family or residential small lot zones(~~(,)~~) ; and
8. Permanent supportive housing.

* * *

Section 2. A new Section 23.42.057 is added to the Seattle Municipal Code, as follows:

23.42.057 Permanent supportive housing

Permanent supportive housing is subject to the development standards for the zone in which it is located except as follows:

A. Requests for waivers and modifications. The Director may consider requests for waivers and modifications from the following development standards in Title 23:

1. Requirements for the size of parking spaces;
2. Requirements for ratios of vehicle parking sizes;
3. Requirements for overhead weather protection;
4. Requirements for facade openings, articulation, and modulation and art on the facades of buildings but not including limitations on structure width;
5. Requirements for the size and design of common recreational areas, amenity areas, community rooms, and similar indoor amenities;
6. Requirements for outdoor open space and amenity area requirements;
7. Requirements related to residential uses, transparency, blank facades, and floor-to-floor height at street level; and
8. Other similar standards as determined by the Director that do not affect the size of the building envelope.

B. Waiver or modification decision. Requests for waivers or modifications shall be evaluated by the Director, in consultation with the Office of Housing and may be granted by the Director as a Type I decision if the waiver or modification would not impact the overall height,

1 bulk, and scale of the proposed building and would result in additional permanent supportive
2 housing units.

3 C. Community relations. The applicant shall submit a draft community relations plan in
4 a form acceptable to the Director and the Director of the Office of Housing. The draft
5 community relations plan shall describe the overall community engagement and communication
6 strategy throughout the project's pre-development, design, construction, and operation phases.

7 Section 3. Section 23.45.510 of the Seattle Municipal Code, last amended by Ordinance
8 126131, is amended as follows:

9 **23.45.510 Floor area**

10 * * *

11 D. The following floor area is exempt from FAR limits:

- 12 1. All stories, or portions of stories, that are underground.
- 13 2. The floor area contained in a Landmark structure subject to controls and
14 incentives imposed by a designating ordinance, if the owner of the Landmark has executed and
15 recorded an agreement acceptable in form and content to the Landmarks Preservation Board,
16 providing for the restoration and maintenance of the historically significant features of the
17 structure, except that this exemption does not apply to a lot from which a transfer of
18 development potential (TDP) has been made under Chapter 23.58A, and does not apply for
19 purposes of determining TDP available for transfer under Chapter 23.58A.
- 20 3. The floor area contained in structures built prior to January 1, 1982, as single-
21 family dwelling units that will remain in residential use, regardless of the number of dwelling
22 units within the existing structure, provided that:

1 a. No other principal structure is located between the existing residential
2 structure and the street lot line along at least one street frontage. If the existing residential
3 structure is moved on the lot, the floor area of the existing residential structure remains exempt if
4 it continues to meet this provision; and

5 b. The exemption is limited to the gross floor area in the existing
6 residential structure as of January 1, 1982.

7 4. Portions of a story that extend no more than 4 feet above existing or finished
8 grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following
9 circumstances:

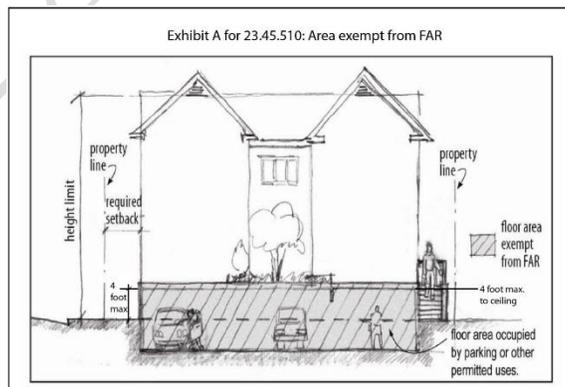
10 a. Apartments in LR zones;

11 b. Rowhouse and townhouse developments in LR zones, provided that all
12 parking is located at the rear of the structure or is enclosed in structures with garage entrances
13 located on the rear facade; and

14 c. All multifamily structures in MR and HR zones.

15 **Exhibit A for 23.45.510**

16 **Area exempt from FAR**



18 5. For rowhouse and townhouse developments and apartments, floor area within a
19 story, or portion of a story, that is partially above grade if all of the following conditions are met:

1 a. The story, or portion of the story, that is partially above grade is used
2 for parking or other accessory uses and has no additional stories above;

3 b. The average height of the exterior walls enclosing the floor area does
4 not exceed one story, measured from existing or finished grade, whichever is lower;

5 c. The roof area above the exempt floor area is predominantly flat, is used
6 as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522;
7 and

8 d. At least 25 percent of the perimeter of the amenity area on the roof
9 above the floor area is not enclosed by the walls of the structure.

10 6. Enclosed common amenity area in HR zones.

11 7. As an allowance for mechanical equipment, in any structure more than 85 feet
12 in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection
13 23.45.510.D.

14 8. In HR zones, ground floor commercial uses meeting the requirements of
15 Section 23.45.532, if the street level of the structure containing the commercial uses has a
16 minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

17 9. The floor area of required bicycle parking for small efficiency dwelling units or
18 congregate residence sleeping rooms, if the bicycle parking is located within the structure
19 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
20 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
21 limits.

22 10. Common walls separating individual rowhouse and townhouse dwelling units.

1 11. In the Northgate Urban Center, up to 15,000 square feet of floor area in
 2 residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least
 3 40,000 square feet in size.

4 12. In MR and HR zones, all gross floor area in child care centers.

5 13. In permanent supportive housing, all gross floor area for accessory human
 6 service uses.

7 Section 4. Table A for Section 23.47A.004 of the Seattle Municipal Code, which section
 8 was last amended by Ordinance 126131, is amended as follows:

9 **23.47A.004 Permitted and prohibited uses**

10 * * *

Table A for 23.47A.004 Uses in Commercial zones					
Uses	Permitted and prohibited uses by zone ¹				
	NC1	NC2	NC3	C1	C2
* * *					
J. RESIDENTIAL USES ¹⁴					
J.1 Residential uses not listed below	P	P	P	P	CU ¹⁵
J.2 Caretaker's quarters	P	P	P	P	P
J.3 Congregate residence	X/P ¹⁶	X/P ¹⁶	X/P ¹⁷	X/P ¹⁷	X/P ¹⁷
<u>J.4. Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *					

11 * * *

12 Section 5. Section 23.47A.005 of the Seattle Municipal Code, last amended by Ordinance
 13 125791, is amended as follows:

14 **23.47A.005 Street-level uses**

15 * * *

16 C. Residential uses at street level

1 1. In all NC and C zones, residential uses may occupy, in the aggregate, no more
2 than 20 percent of the street-level street-facing facade in the following circumstances or
3 locations:

4 a. In a pedestrian-designated zone, facing a designated principal pedestrian
5 street; or

6 b. In all NC and C1 zones within the Bitter Lake Village Hub Urban
7 Village, except lots abutting Linden Avenue North, north of North 135th Street; or

8 c. Within a zone that has a height limit of 85 feet or higher, except as
9 provided in subsection 23.47A.005.C.2; or

10 d. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2;
11 or

12 e. In all NC and C1 zones within the Northgate Overlay District, except as
13 provided in Section 23.71.044; or

14 f. In all NC and C1 zones within the areas shown on Maps A through D
15 for 23.47A.005 at the end of this Chapter 23.47A when facing an arterial street.

16 2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the
17 location of residential uses in the following circumstances:

18 a. Within a very low-income housing project existing as of May 1, 2006,
19 or within a very low-income housing project replacing a very low-income housing project
20 existing as of May 1, 2006, on the same site; or

21 b. The residential use is an assisted living facility or nursing home and
22 private living units are not located at street level; or

1 c. Within the Pike/Pine Conservation Overlay District, for street-facing
2 facades that do not face a designated principal pedestrian street, as shown on Map A for
3 23.73.008; or

4 d. In a structure existing on January 1, 2012, that is within an NC1 zone
5 but not located in an area defined in Maps A through D for 23.47A.005, at the end of this
6 Chapter 23.47A, a live-work space may be converted to an accessory dwelling unit if the
7 residential use is established, if the area proposed to be converted meets the minimum housing
8 standards of Chapter 22.206, and if the area proposed to be converted meets the owner
9 occupancy requirement of subsection 23.44.041.C; ~~((or))~~

10 e. Within a structure that:

11 1) ~~((is))~~ Is developed and owned by the Seattle Housing Authority;

12 and

13 2) ~~((is))~~ Is located on a lot zoned NC1 or NC3 that was owned by
14 the Seattle Housing Authority as of January 1, 2009~~((or))~~ ; or

15 f. Within a structure containing permanent supportive housing.

16 3. Additions to, or on-site accessory structures for, existing single-family
17 structures are permitted outright.

18 4. Where residential uses at street level are limited to 20 percent of the street-
19 level, street-facing facade, such limits do not apply to residential structures separated from the
20 street lot line by an existing structure meeting the standards of this Section 23.47A.005 and
21 Section 23.47A.008, or by an existing structure legally nonconforming to those standards.

22 D. In pedestrian-designated zones the locations of uses are regulated as follows:

1 1. Along designated principal pedestrian streets, one or more of the following uses
2 are required along 80 percent of the street-level, street-facing facade in accordance with the
3 standards provided in subsection 23.47A.008.C.

- 4 a. Arts facilities;
- 5 b. Community gardens;
- 6 c. Eating and drinking establishments;
- 7 d. Entertainment uses, except for adult cabarets, adult motion picture
8 theaters, and adult panorams;
- 9 e. Food processing and craft work;
- 10 f. Institutions, except hospitals or major institutions;
- 11 g. Lodging uses;
- 12 h. Medical services;
- 13 i. Offices, provided that no more than 30 feet of the street-level, street-
14 facing facade of a structure may contain an office use;
- 15 j. Parks and open spaces;
- 16 k. Rail transit facilities;
- 17 l. Retail sales and services, automotive, in the Pike/Pine Conservation
18 Overlay District if located within an existing structure or within a structure that retains a
19 character structure as provided in Section 23.73.015;
- 20 m. Sales and services, general, provided that no more than 40 feet of the
21 street-level, street-facing facade of a structure on a principal pedestrian street may contain a
22 customer services office; (~~and~~)

1 n. Sales and services, heavy, except for heavy commercial sales, and
2 provided that no more than 30 feet of the street-level, street-facing facade of a structure may
3 contain a non-household sales and service use((:)) ; and

4 o. Permanent supportive housing.

5 The establishment of any such use is subject to the applicable use provisions of
6 this Title 23.

7 * * *

8 Section 6. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance
9 126157, is amended as follows:

10 **23.47A.013 Floor area ratio**

11 * * *

12 B. The following gross floor area is not counted toward FAR:

- 13 1. All stories, or portions of stories, that are underground;
- 14 2. All portions of a story that extend no more than 4 feet above existing or
15 finished grade, whichever is lower, excluding access;
- 16 3. Gross floor area of a transit station, including all floor area open to the general
17 public during normal hours of station operation but excluding retail or service establishments to
18 which public access is limited to customers or clients, even where such establishments are
19 primarily intended to serve transit riders;
- 20 4. On a lot containing a peat settlement-prone environmentally critical area,
21 above-grade parking within or covered by a structure or portion of a structure, if the Director
22 finds that locating a story of parking below grade is infeasible due to physical site conditions
23 such as a high water table, if either:

1 a. The above-grade parking extends no more than 6 feet above existing or
2 finished grade and no more than 3 feet above the highest existing or finished grade along the
3 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
4 pursuant to subsection 23.47A.012.A.3; or

5 b. All of the following conditions are met:

6 1) No above-grade parking is exempted by subsection
7 23.47A.013.B.4.a;

8 2) The parking is accessory to a residential use on the lot;

9 3) Total parking on the lot does not exceed one space for each
10 residential dwelling unit plus the number of spaces required for non-residential uses; and

11 4) The amount of gross floor area exempted by this subsection
12 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit
13 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
14 greater; and

15 5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5
16 and 23.47A.012.C.6;

17 6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;

18 7. The floor area of required bicycle parking for small efficiency dwelling units or
19 congregate residence sleeping rooms, if the bicycle parking is located within the structure
20 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
21 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
22 limits; (~~and~~)

23 8. All gross floor area in child care centers; and

1 j. Permanent supportive housing.

2 2. Standards for required street-level uses. Required street-level uses shall meet
3 the development standards in subsection 23.48.040.C, and any additional standards for Seattle
4 Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

5 * * *

6 Section 8. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance
7 126157, is amended as follows:

8 **23.48.020 Floor area ratio (FAR)**

9 * * *

10 B. Floor area exempt from FAR calculations. The following floor area is exempt from
11 maximum FAR calculations:

- 12 1. All underground stories or portions of stories.
- 13 2. Portions of a story that extend no more than 4 feet above existing or finished
14 grade, whichever is lower, excluding access.
- 15 3. As an allowance for mechanical equipment, in any structure 65 feet in height or
16 more, 3.5 percent of the total chargeable gross floor area in a structure is exempt from FAR
17 calculations. Calculation of the allowance includes the remaining gross floor area after all
18 exempt space allowed in this subsection 23.48.020.B has been deducted. Mechanical equipment
19 located on the roof of a structure, whether enclosed or not, is not included as part of the
20 calculation of total gross floor area.
- 21 4. All gross floor area for solar collectors and wind-driven power generators.
- 22 5. Bicycle commuter shower facilities required by subsection 23.54.015.K.8.

- 1 g. Religious facilities;
- 2 h. Human services uses;
- 3 i. Child care centers; ~~((and))~~
- 4 j. Light rail transit stations((-)); and
- 5 k. Permanent supportive housing.

6 2. Standards for required street-level uses. Required street-level uses shall meet
7 the development standards in subsection 23.48.040.C.

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Map A for 23.48.605

Locations of street-level use requirements



3

1 Section 10. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance
 2 126157, is amended as follows:

3 **23.54.015 Required parking and maximum parking limits**

4 A. Required parking. The minimum number of off-street motor vehicle parking spaces
 5 required for specific uses is set forth in Table A for 23.54.015 for non-residential uses other than
 6 institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for
 7 institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based
 8 upon gross floor area of a use within a structure minus gross floor area in parking uses, and the
 9 square footage of a use when located outside of an enclosed structure, or as otherwise specified.
 10 Maximum parking limits for specific uses and specific areas are set forth in subsection
 11 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section
 12 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020
 13 unless otherwise specified. This Chapter 23.54 does not apply to parking for construction
 14 activity, which is regulated by Section 23.42.044.

15 * * *

Table D for 23.54.015 Parking for bicycles ¹			
Use	Bike parking requirements		
	Long-term		Short-term
* * *			
D. RESIDENTIAL USES ³			
D.1.	Congregate residences ⁴	1 per sleeping room	1 per 20 sleeping rooms. 2 spaces minimum
D.2.	Multi-family structures ^{4, 5}	1 per dwelling unit	1 per 20 dwelling units
D.3.	Single-family residences	None	None

<u>D.4.</u>	<u>Permanent supportive housing</u>	<u>None</u>	<u>None</u>
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Footnotes to Table D for 23.54.015:

- ¹ Required bicycle parking includes long-term and short-term amounts shown in this table.
- ² The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.
- ³ For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.
- ⁴ For congregate residences or multifamily structures that are owned and operated by a not-for-profit entity serving seniors or persons with disabilities, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, as a Type I decision, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.
- ⁵ For each dwelling rent and income-restricted at 30 percent of median income and below, there is no minimum required long-term bicycle parking requirement. For each dwelling rent and income-restricted at 60 percent to 31 percent of the median income, long-term bicycle parking requirements may be wholly or partially waived by the Director as a Type I decision if the waiver would result in additional rent and income restricted units meeting the requirements of this footnote to Table D for 23.54.015 and when a reasonable alternative such as, in-unit vertical bicycle storage space is provided. The Directors of the Seattle Department of Construction and Inspections and Seattle Department of Transportation are authorized to promulgate a joint Directors' Rule defining reasonable alternatives for long-term bicycle parking that meets the standards of this footnote to Table D for 23.54.015. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing or the Washington State Housing Finance Commission. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.
- ⁶The Director, in consultation with the Director of the Seattle Department of Transportation, may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

1 Section 11. Section 23.84A.032 of the Seattle Municipal Code, last amended by
2 Ordinance 126157, is amended as follows:

3 **23.84A.032 "R"**

4 * * *

5 "Residential use" means any one or more of the following:

6 * * *

7 20. "Permanent supportive housing" means a multifamily residential use,
8 which may include accessory human service uses that provide on-site services to households
9 in the development or to other clients:

10 a. In which at least 90 percent of the dwelling units are occupied by
11 very low-income households;

12 b. That receives public funding or an allocation of federal low-income
13 housing tax credits, and

14 c. That is subject to a regulatory agreement, covenant or other legal instrument,
15 the duration of which is at least 40 years, recorded on the property title and enforceable by The
16 City of Seattle, Washington State Housing Finance Commission, State of Washington, King
17 County, U.S. Department of Housing and Urban Development, or other similar entity as
18 approved by the Director of Housing.

19 ~~((20))~~ 21. "Nursing home" means a use licensed by the State of Washington as
20 a nursing home, which provides full-time convalescent and/or chronic care for individuals
21 who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does
22 not provide care for the acutely ill or surgical or obstetrical services. This definition excludes
23 hospitals or sanitariums.

1 ((21)) 22. "Rowhouse development" means a multifamily residential use in
2 which all principal dwelling units on the lot meet the following conditions:

3 a. Each dwelling unit occupies the space from the ground to the roof of
4 the structure in which it is located;

5 b. No portion of a dwelling unit, except for an accessory dwelling unit
6 or shared parking garage, occupies space above or below another dwelling unit;

7 c. Each dwelling unit is attached along at least one common wall to at
8 least one other dwelling unit, with habitable interior space on both sides of the common wall,
9 or abuts another dwelling unit on a common lot line;

10 d. The front of each dwelling unit faces a street lot line;

11 e. Each dwelling unit provides pedestrian access directly to the street
12 that it faces; and

13 f. No portion of any other dwelling unit, except for an attached
14 accessory dwelling unit, is located between any dwelling unit and the street faced by the front
15 of that unit.

16 ((22)) 23. "Single-family dwelling unit" means a detached principal structure
17 having a permanent foundation, containing one dwelling unit, except that the structure may
18 also contain one or two attached accessory dwelling units where expressly authorized
19 pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family
20 dwelling unit for purposes of this Chapter 23.84A.

21 ((23)) 24. "Townhouse development" means a multifamily residential use that
22 is not a rowhouse development, and in which:

1 a. Each dwelling unit occupies space from the ground to the roof of the
2 structure in which it is located;

3 b. No portion of a dwelling unit occupies space above or below another
4 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units
5 constructed over a shared parking garage; and

6 c. Each dwelling unit is attached along at least one common wall to at
7 least one other dwelling unit, with habitable interior space on both sides of the common wall,
8 or abuts another dwelling unit on a common lot line.

9 * * *

10 Section 12. This ordinance shall take effect and be in force 30 days after its approval by
11 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
12 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

13 Passed by the City Council the _____ day of _____, 2021,
14 and signed by me in open session in authentication of its passage this _____ day of
15 _____, 2021.

16 _____
17 President _____ of the City Council

18 Approved by me this _____ day of _____, 2021.

19 _____
20 Jenny A. Durkan, Mayor

1 Filed by me this _____ day of _____, 2021.

2 _____

3 Monica Martinez Simmons, City Clerk

4 (Seal)

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